

Application # 10/715,011

REMARKS

Currently claims 1-14 are pending in the application. Claims 1-5, 7, 9, 10 and 11 stand rejected under 35 USC 102 as being anticipated by Juranek. Claims 1-5, 7, 10 and 11 stand rejected under 35 USC 102 (a) as being anticipated by Tinsley et al. Claim 6 stands rejected under 35 USC 103 (a) as being unpatentable over the references as applied to claim 5 above, and further in view of Tabeau. Claim 12 stands rejected under 35 USC 103 (a) as being unpatentable over the references as applied to claim 10 above, and further in view of Hampton et al. Claim 13 stands rejected under 35 USC 103 (a) as being unpatentable over the references as applied to claim 10 above, and further in view of Daniels. Claims 8 and 14 are objected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 8 and 14 have been so rewritten. For the reasons stated below, applicant believes claims 1-7, and 9-13 to be novel and non-obvious over the references cited. Applicants respectfully request reconsideration and further examination of claims 1-7, and 9-13.

Art Rejections

35 USC 102 Rejections

JURANEK

Claims 1-5, 7, 9, 10 and 11 stand rejected under 35 USC 102 as being anticipated by Juranek (US 6,601,803). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference" [MPEP 2131 quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)].

Application # 10/715,011

Claim 1 includes the limitation "a bottle holding means, attached to said adjustable hanging means, *such that when hung, a bottle inserted into said bottle holding means hangs at an appropriate angle for feeding a baby positioned under said baby bottle holder.*" Juranek discloses a means for holding a bottle, as do many prior art inventions, however, it does not disclose a means which would hang the bottle at an appropriate angle for feeding a baby positioned underneath. The Examiner has stated that "Applicants have amended the claims to recite a relationship wherein the bottle is suspended over the infant while being adjustable." This is a misstatement, because the applicants invention is not just adjustable (as in able to be adjusted by choice), but more importantly the adjustable hanging means is capable of *self-aligning* the bottle over the baby. Applicants respectfully request the Examiner show where specifically Juranek discloses this limitation so that applicants may adequately respond. In the absence of such showings, applicants respectfully submit that rejection of Claims 1, and by dependency claims 2-5, 7, 9, 10 and 11, on this basis is in error, and request rejection on this basis be withdrawn.

Claim 5 further contains the limitation "said bottle holding means is adjustable and comprises a bottle strap with an adjustable closing means." Juranek does not disclose a bottle holding means which "comprises a bottle strap with an adjustable closing means." The bottle holder in Juranek does not have a "closing means" since it is a continuous loop. Applicants respectfully request the Examiner show where specifically Juranek discloses this limitation so that applicants may adequately respond. In the absence of such showings, applicants respectfully submit that rejection of Claim 5 on this basis is in error, and request rejection on this basis be withdrawn.

TINSLEY

Claims 1-5, 7, 10 and 11 stand rejected under 35 USC 102 (a) as being anticipated by Tinsley et al (US 5,927,661). Claim 1 includes the limitation "a bottle holding means, attached to said adjustable hanging means, *such that*

Application # 10/715,011

when hung, a bottle inserted into said bottle holding means hangs at an appropriate angle for feeding a baby positioned under said baby bottle holder." Tinsley discloses a means for holding a bottle, as do many prior art inventions, however, it does not disclose a means which would hang the bottle at an appropriate angle for feeding a baby positioned underneath (For instance in Figure 1, as soon as the baby releases the bottle from his mouth, it will tip down and spill milk on him!). Applicants respectfully request the Examiner show where specifically Tinsley discloses this limitation so that applicants may adequately respond. In the absence of such showings, applicants respectfully submit that rejection of Claims 1, and by dependency claims 2-5, 7, 10 and 11, on this basis is in error, and request rejection on this basis be withdrawn.

The Examiner has stated that "Applicants have amended the claims to recite a relationship wherein the bottle is suspended over the infant while being adjustable." This is a misstatement, because the applicants invention is not just adjustable (as in able to be adjusted by choice), but more importantly the adjustable hanging means is capable of *self-aligning* the bottle over the baby. Applicants respectfully request the Examiner show where specifically Tinsley discloses this limitation so that applicants may adequately respond. In the absence of such showings, applicants respectfully submit that rejection of Claims 1, and by dependency claims 2-5, 7, 10 and 11, on this basis is in error, and request rejection on this basis be withdrawn.

Claim 5 further contains the limitation "said bottle holding means is adjustable and comprises a bottle strap with an adjustable closing means." Tinsley does not disclose a bottle holding means which "comprises a bottle strap with an adjustable closing means." The bottle holder in Tinsley does not have a "closing means" since it is a continuous loop. Applicants respectfully request the Examiner show where specifically Tinsley discloses this limitation so that applicants may adequately respond. In the absence of such showings, applicants respectfully submit that rejection of Claim 5 on this basis is in error, and request rejection on this basis be withdrawn.

Application # 10/715,011

35 USC 103 (a) Rejections

Claim 6

Claim 6 stands rejected under 35 USC 103 (a) as being unpatentable over the references as applied to claim 5 above, and further in view of Tabeau. The Examiner does not specify which references are being referred to, therefore applicant will assume that all of the references are intended.

To establish a *prima facie* case of obviousness, "the prior art reference (or references when combined) must teach or suggest all claim limitations" [MPEP 2142]. Claim 6 depends from claim 5, which depends from claim 1, therefore, the arguments above for claim 1 apply here, and as such, the limitations of claim 1 as discussed above are not present in Juranek or Tinsley. Applicants respectfully request the Examiner show specifically where in the references these limitation are taught so that applicant can more adequately respond. In the absence of such showing, applicant submits the Examiner has not established a *prima facie* case of obviousness, that rejection of claim 6 on this basis is in error, and request that rejection on this basis be withdrawn.

As discussed above, neither Juranek or Tinsley contain the limitation of bottle holding means which "comprises a bottle strap with an adjustable closing means." Since there is no closing means in Juranek or Tinsley, there would be no motivation to have a closing means which is a hook and loop fastener. Therefor applicant submits the Examiner has not established a *prima facie* case of obviousness, that rejection of claim 6 on this basis is in error, and request that rejection on this basis be withdrawn.

Claim 12

Claim 12 stands rejected under 35 USC 103 (a) as being unpatentable over the references as applied to claim 10 above, and further in

Application # 10/715,011

view of Hampton et al (US 4,220,302). . The Examiner does not specify which references are being referred to, therefore applicant will assume that all of the references are intended.

To establish a *prima facie* case of obviousness, "the prior art reference (or references when combined) must teach or suggest all claim limitations" [MPEP 2142]. Claim 12 depends from claim 10, which depends from claim 1, therefore, the arguments above for claim 1 apply here, and as such, the limitations of claim 1 as discussed above are not present in Juranek or Tinsley. Applicants respectfully request the Examiner show specifically where in the references these limitation are taught so that applicant can more adequately respond. In the absence of such showing, applicant submits the Examiner has not established a *prima facie* case of obviousness, that rejection of claim 12 on this basis is in error, and request that rejection on this basis be withdrawn.

Juanek and Tinsley both disclose an elastic ring for a bottle holder. Hampton et al does not disclose a plastic bottle holder. Applicant respectfully request where any of these references discloses a plastic bottle holder so that applicant may adequately respond. In the absence of such showing, applicant submits the Examiner has not established a *prima facie* case of obviousness, that rejection of claim 12 on this basis is in error, and request that rejection on this basis be withdrawn.

Claim 13

Claim 13 stands rejected under 35 USC 103 (a) as being unpatentable over the references as applied to claim 10 above, and further in view of Daniels (US 5,265,834).

To establish a *prima facie* case of obviousness, "the prior art reference (or references when combined) must teach or suggest all claim limitations" [MPEP 2142]. Claim 13 depends from claim 10, which depends from claim 1, therefore, the arguments above for claim 1 apply here, and as such, the limitations of claim 1 as discussed above are not present in Juranek or Tinsley. Applicants

Application # 10/715,011

respectfully request the Examiner show specifically where in the references these limitation are taught so that applicant can more adequately respond. In the absence of such showing, applicant submits the Examiner has not established a *prima facie* case of obviousness, that rejection of claim 13 on this basis is in error, and request that rejection on this basis be withdrawn.

Further, to establish a *prima facie* case of obviousness, "first there must be some suggestion or motivation...to modify the reference" [MPEP 2142]. Juranek and Tinsley both disclose an elastic loop for the bottle holder. Replacing this with a webbing "for greater strength" as the Examiner suggests, would leave both Juranek and Tinsley with a bottle holder which would not work except for a very specific size bottle (one sized exactly for the size of the loop provided). Thus there is no motivation to combine Daniels with Juranek and Tinsley to produce a device which works considerably worse. Applicants respectfully request the Examiner show specifically where in the references there is a motivation to combine these so that applicant can more adequately respond. In the absence of such showing, applicant submits the Examiner has not established a *prima facie* case of obviousness, that rejection of claim 13 on this basis is in error, and request that rejection on this basis be withdrawn.

Claims 8 and 14

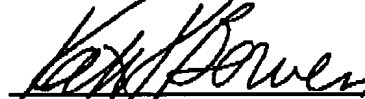
Claims 8 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claim 8 is herein amended to include all the limitations of the base claim and all intervening claims. Claim 14 depends from claim 8. As such rewritten, applicant contends claims 8 and 14 are in proper form for allowance per the examiner's request.

Application # 10/715,011

Conclusion

Applicants respectfully submit that claims 1-14 as amended herein, are allowable and in more proper form, and request that the rejections against them be withdrawn.

Respectfully submitted,



Kathleen K. Bowen, Esq.
Registration No. 42,352
Attorney for Applicant